

# EXHIBIT 1

## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

CAROLYN M. FROHSIN; )  
 )  
 )  
 Plaintiff, ) CV: \_\_\_\_\_  
 )  
 v. )  
 )  
 UNITED PARCEL SERVICE, INC. )  
 )  
 )  
 Defendant. )

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## COMPLAINT

COME NOW Plaintiff Carolyn M. Frohsin (collectively, the “Plaintiff”), and hereby files this Complaint against Defendant United Parcel Service, Inc (the “Defendant”). In support of this Complaint, Plaintiff states as follows:

**PARTIES**

1. Plaintiff Carolyn M. Frohsin (“Plaintiff”) is a resident citizen of Birmingham, Jefferson County, Alabama.
2. Defendant United Parcel Service (“UPS”), a public corporation which conducts business throughout the United States including the state of Alabama, through agents and the claims in this case, arise out of negligence and wantonness of agents at its franchisee UPS store #2432 in Cahaba Height, Alabama. Upon information and belief, UPS’s principal place of business is Illinois.

**JURISDICTION AND VENUE**

3. This Court has jurisdiction over this matter pursuant to Ala. Code § 12-11-30(1), as the amount in controversy exceeds \$20,000.

4. Venue is proper in this Court pursuant to Ala. Code § 6-3-7(a) because the events giving rise to these claims occurred in Jefferson County, Alabama.

**FACTUAL ALLEGATIONS**

5. This is an action for negligence, wantonness and conversion committed by agents of UPS who have caused great injury to the Plaintiff. This claim seeks less than \$75,000 in damages.

6. Plaintiff was the owner of a Chinese porcelain figurine they had purchased many years before in New Orleans, Louisiana. The antique had substantial monetary value.

7. In 2021, Plaintiff determined that the figurine needed repair because the figurine had been damaged. Plaintiff conferred with expert Margaret Burnham, who lives in the state of Maine.

8. Plaintiff made arrangements to ship the figurine to Mrs. Burnham.

9. In order to be absolutely safe, Plaintiff wrapped the figurine in bubble wrap. Plaintiff then took the figurine to Defendant's office in Cahaba Heights Alabama, for shipping to Ms. Burnham. The employee there told Plaintiff that it was not necessary to insure it and that in all the years she had worked for UPS, no object had been lost.

10. Defendant's agent printed the label for the package to be delivered August 25, 2021, and provided a copy of it to Plaintiff.

11. On August 25, 2021, Ms. Burnham informed Plaintiff that while the package had arrived, it did not contain the porcelain figurine. Rather, the package contained rugs shipped from a customer in Alabama.

12. It was clear from these facts, UPS had either lost, misplaced, or had allowed it to be stolen. When Plaintiff inquired as to what had happened to their figurine, UPS stated that it would make a diligent search for it.

13. Instead, UPS did nothing to attempt to locate the figurine, even though its negligence and wantonness caused the loss of the object.

14. Plaintiff made numerous follow-up requests from UPS. UPS gave no further response.

15. UPS is guilty of gross negligence and wantonness and conversion and failing to properly ship the figurine, in allowing it to be lost stolen or misplaced.

16. As a result of its negligence, the clients have been substantially injured and is entitled to compensatory damages of less than \$75,000. Plaintiff waives any claim for damages above \$75,000.

### **CAUSES OF ACTION**

#### **COUNT I: NEGLIGENCE**

17. Plaintiff incorporates by reference all allegations contained in the foregoing paragraphs of this Complaint as if fully set out herein.

18. Defendant is liable to Plaintiff for its negligent act of losing Plaintiff's figurine.

19. Defendant had an obligation to protect Plaintiff's property after it was in Defendant's care and possession.

20. Defendant failed to properly care for Plaintiff's property and as a result, Plaintiff's property is missing.

WHEREFORE PREMISES CONSIDERED, Plaintiff demands judgment against Defendant for a sum of less than \$75,000 for their economic loss and mental anguish.

**COUNT II: CONVERSION**

21. Plaintiff incorporates by reference all allegations contained in the foregoing paragraphs of this Complaint as if fully set out herein.

22. Defendant is liable for its wanton conversion of Plaintiff's property.

23. Defendant was in possession of Plaintiff's property and wrongfully permitted for Plaintiff's property to be taken or lost from its possession.

24. As a result of Defendant's wrongful taking of Plaintiff's property, Plaintiff was damaged.

WHEREFORE PREMISES CONSIDERED, Plaintiff demands judgment against Defendant for a sum of less than \$75,000 for the economic damages and mental anguish.

**DEMAND FOR TRIAL BY JURY**

Plaintiff hereby demands a trial by struck jury on all issues so triable.

Respectfully submitted,

*/s/ Andrew P. Campbell*  
Counsel for Plaintiff

**OF COUNSEL:**

Andrew P. Campbell  
Yawanna N. McDonald  
**CAMPBELL PARTNERS, LLC**  
505 N. 20th Street  
Suite 1600  
Birmingham, AL 35203  
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[yawanna@campbellpartnerslaw.com](mailto:yawanna@campbellpartnerslaw.com)

**THE FOLLOWING DEFENDANT WILL BE SERVED BY CERTIFIED MAIL:**

United Parcel Service, Inc  
c/o CORPORATION SERVICE COMPANY INC  
641 SOUTH LAWRENCE STREET  
MONTGOMERY, AL 36104



## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA

CAROLYN M. FROHSIN; )  
 )  
 )  
 Plaintiff, )  
 )  
 v. ) Case No.: 01-CV-2022-902482  
 )  
 )  
 UNITED PARCEL SERVICE, INC. )  
 )  
 )  
 Defendant. )

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## NOTICE OF APPEARANCE

Please take notice that Yawanna N. McDonald of Campbell Partners, LLC hereby appears as additional counsel of record for Plaintiff Carolyn M. Frohsin in this action.

Respectfully submitted this the 23<sup>rd</sup> day of August, 2022.

Respectfully submitted,

*/s/ Yawanna N. McDonald*  
Counsel for Plaintiff

**OF COUNSEL:**

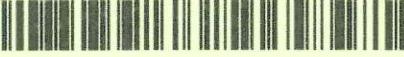
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**THE FOLLOWING DEFENDANT WILL BE SERVED BY CERTIFIED MAIL:**

United Parcel Service, Inc  
c/o CORPORATION SERVICE COMPANY INC  
641 SOUTH LAWRENCE STREET  
MONTGOMERY, AL 36104

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01-CV-2022-902482.00  
CIRCUIT COURT OF  
JEFFERSON COUNTY, ALABAMA  
JACQUELINE ANDERSON SMITH, CLERK

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| to of Alabama<br>filed Judicial System<br>m C-34 Rev. 4/2017   | <b>SUMMONS<br/>- CIVIL -</b>                                 | Court Case Number<br><b>01-CV-2022-902482.00</b>               |
| <p><b>IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA</b><br/> <b>CAROLYN M. FROHSIN V. UNITED PARCEL SERVICE, INC.</b></p>  |  |  |
| <p><b>NOTICE TO:</b> UNITED PARCEL SERVICE, INC., C/O CORPORATION SERVICE C 641 SOUTH LAWRENCE STREET, MONTGOMERY, AL 36104<br/> <i>(Name and Address of Defendant)</i></p>  |  |  |
| <p>THE COMPLAINT OR OTHER DOCUMENT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT, AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS. YOU OR YOUR ATTORNEY ARE REQUIRED TO FILE THE ORIGINAL OF YOUR WRITTEN ANSWER, EITHER ADMITTING OR DENYING EACH ALLEGATION IN THE COMPLAINT OR OTHER DOCUMENT, WITH THE CLERK OF THIS COURT. A COPY OF YOUR ANSWER MUST BE MAILED OR HAND DELIVERED BY YOU OR YOUR ATTORNEY TO THE PLAINTIFF(S) OR ATTORNEY(S) OF THE PLAINTIFF(S), ANDREW P. CAMPBELL</p> |  |  |
| <p><i>[Name(s) of Attorney(s)]</i></p>   |  |  |
| <p>WHOSE ADDRESS(ES) IS/ARE: 505 20th Street N, 16th Floor, BIRMINGHAM, AL 35203<br/> <i>[Address(es) of Plaintiff(s) or Attorney(s)]</i></p>  |  |  |
| <p>THE ANSWER MUST BE MAILED OR DELIVERED WITHIN 30 DAYS AFTER THIS SUMMONS AND COMPLAINT OR OTHER DOCUMENT WERE SERVED ON YOU OR A JUDGMENT BY DEFAULT MAY BE RENDERED AGAINST YOU FOR THE MONEY OR OTHER THINGS DEMANDED IN THE COMPLAINT OR OTHER DOCUMENT.</p>   |  |  |
| <p><b>TO ANY SHERIFF OR ANY PERSON AUTHORIZED BY THE ALABAMA RULES OF CIVIL PROCEDURE TO SERVE PROCESS:</b></p>  |  |  |
| <p><input type="checkbox"/> You are hereby commanded to serve this Summons and a copy of the Complaint or other document in this action upon the above-named Defendant.</p>  |  |  |
| <p><input checked="" type="checkbox"/> Service by certified mail of this Summons is initiated upon the written request of <u>CAROLYN M. FROHSIN</u><br/> <i>[Name(s)]</i> pursuant to the Alabama Rules of the Civil Procedure.</p>  |  |  |
| 08/23/2022<br><i>(Date)</i>  | /s/ JACQUELINE ANDERSON SMITH<br><i>(Signature of Clerk)</i> | By:<br><i>(Name)</i>   |
| <p><input checked="" type="checkbox"/> Certified Mail is hereby requested. <u>/s/ ANDREW P. CAMPBELL</u><br/> <i>(Plaintiff's/Attorney's Signature)</i></p>  |  |  |
| <p><b>RETURN ON SERVICE</b></p>  |  |  |
| <p><input checked="" type="checkbox"/> Return receipt of certified mail received in this office on <u>8/30/22</u> <i>(Date)</i>.</p>   |  |  |
| <p><input type="checkbox"/> I certify that I personally delivered a copy of this Summons and Complaint or other document to _____ in _____ County,<br/> <i>(Name of Person Served)</i> <i>(Name of County)</i></p>   |  |  |
| <p>Alabama on _____.<br/> <i>(Date)</i> <i>(Address of Server)</i></p>   |  |  |
| <p><i>(Type of Process Server)</i> <i>(Server's Signature)</i> <i>(Server's Printed Name)</i> <i>(Phone Number of Server)</i></p>  |  |  |
| <p><b>01-CV-2022-902482.00</b><br/> <b>CAROLYN M. FROHSIN V. UNITED PARCEL SERVICE, INC.</b></p>   |  |  |
| C001 - CAROLYN M. FROHSIN<br><i>(Plaintiff)</i>  |  | v.<br>D001 - UNITED PARCEL SERVICE, INC.<br><i>(Defendant)</i> |
|   |  |  |
| <p><b>SERVICE RETURN COPY</b></p>  |  |  |

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|--|--|--|--|
| <b>SENDER: COMPLETE THIS SECTION</b>   |  | <b>COMPLETE THIS SECTION ON DELIVERY</b>   |  |
| <ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>                   |  | <p>A. Signature<br/> <input checked="" type="checkbox"/> <i>Kelly Webster</i> <input checked="" type="checkbox"/> Agent<br/> <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <input type="text" value="8-30-22"/> C. Date of Delivery</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes<br/> If YES, enter delivery address below: <input type="checkbox"/> No</p>   |  |
| <p>1. Article Addressed to:</p> <p>United Parcel Service, Inc.<br/> c/o Corporation Service Company<br/> 641 South Lawrence Street<br/> Montgomery, AL 36104</p> <p><br/> 9590 9402 7467 2055 7086 94</p> |  | <p>3. Service Type</p> <p> <input type="checkbox"/> Adult Signature<br/> <input type="checkbox"/> Adult Signature Restricted Delivery<br/> <input type="checkbox"/> Certified Mail®<br/> <input type="checkbox"/> Certified Mail Restricted Delivery<br/> <input type="checkbox"/> Collect on Delivery<br/> <input type="checkbox"/> Collect on Delivery Restricted Delivery </p> <p> <input type="checkbox"/> Priority Mail Express®<br/> <input type="checkbox"/> Registered Mail™<br/> <input type="checkbox"/> Registered Mail Restricted Delivery<br/> <input type="checkbox"/> Signature Confirmation™<br/> <input type="checkbox"/> Signature Confirmation Restricted Delivery </p> |  |
| <p>2. Article Number (Transfer from service label)</p> <p>7021 2720 0000 4544 5838</p>   |  | <p>all<br/> all Restricted Delivery</p>  |  |
| PS Form 3811, July 2020 PSN 7530-02-000-9053   |  | Domestic Return Receipt  |  |

